

James K. Ince  
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Attorney For Debtor

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

**IN RE: § CASE NO. 05-94182**

**John Nathan Saeger**  
**Julie Saeger**  
**Debtor(s)**

**Julie Saeger**  
**Movant**

**V.**

**John Nathan Saeger**

**Respondent(s)**

**Hearing Date: N/A**  
**Hearing Time: N/A**

**AGREED MOTION OF Julie Saeger FOR RELIEF FROM AUTOMATIC STAY TO  
OBTAIN A DIVORCE FROM DEBTOR & DIVISION OF PROPERTY AND WAIVER OF  
THIRTY DAY HEARING REQUIREMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Julie Saeger, by and through her attorneys of record for the purposes of filing this motion, Bailey, & Galyen, Attorneys at Law, and files this AGREED Motion for Relief from Automatic Stay, and in support thereof would respectfully show the Court as follows:

1. On or about October 14, 2005, Debtors filed a voluntary petition under Chapter 13 of the United States Bankruptcy Code.
2. This Court has jurisdiction of this Motion by virtue of 11 U.S.C. §§105, 361, 362 and 28 U.S.C. §§1334 and 157.

3. On or about November 1, 2007 , Movant, Julie Saeger, filed an Original Petition For Divorce in an action styled "**IN THE MATTER OF THE MARRIAGE OF JULIE SAEGER AND JOHN SAEGER**," Cause Number **231-429165-07**, in the **231st** Judicial District Court of **Tarrant** County, Texas (hereinafter, "the divorce action"). The state court maintains jurisdiction of "the divorce action."
4. Cause exists for the termination of the automatic stay because Movant & Respondent both desire to obtain a divorce and settle all related issues, all of such issues involve state law that can be addressed adequately by the state court.
5. Movant Waives the Thirty-Day Hearing Requirement.

WHEREFORE, Movant requests the Court enter an order terminating the automatic stay to allow Movant to pursue to conclusion the divorce action, and to allow the **231st** Judicial District Court to enter all order and decrees it deems just and proper, and for such other and further relief to which Movant may be entitled.

Respectfully submitted,

**Bailey & Galyen**  
Attorneys at Law  
1900 Airport Freeway  
Bedford, Texas 76022  
Phone: 817.868.5500  
Fax: 817.545.6386

ATTORNEY FOR DEBTOR

By /s/James K. Ince  
James K. Ince  
Bar #10388920

**CERTIFICATE OF CONFERENCE**

I hereby certify that James K. Ince spoke with Debtor's counsel, St. Clair Newbern, III and Debtor's Counsel is in Agreement with the relief sought.

By /s/James K. Ince  
James K. Ince  
Bar #10388920

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing AGREED  
MOTION FOR RELIEF FROM AUTOMATIC STAY TO OBTAIN A DIVORCE FROM  
DEBTOR & DIVISION OF PROPERTY AND WAIVER OF THIRTY DAY HEARING  
REQUIREMENT has been sent via United States' certified mail, return receipt required,  
postage or by electronic transfer if notified by the clerk to:

John Nathan Saeger  
2400 State Highway 121  
#2607  
Euless, Tx 76039

I hereby certify that a true and correct copy of the above and foregoing MOTION  
FOR RELIEF FROM AUTOMATIC STAY TO OBTAIN A DIVORCE FROM DEBTOR &  
DIVISION OF PROPERTY AND WAIVER OF THIRTY DAY HEARING REQUIREMENT  
has been sent via United States' by Regular First Class Mail or by electronic transfer if  
notified by the clerk to:

St. Clair Newbern, III  
Law offices of St. Clair Newbern, III, P.C.  
1701 River Run  
Suite 1000  
Fort Worth, Texas 76107

Tim Truman  
Chapter 13 Trustee  
6851 NE Loop 820, Suite 300  
N. Richland Hills, TX 76180

William T. Neary  
Office of the U.S. Trustee  
1100 Commerce Street, Suite 9C60  
Dallas, TX 75242

on this 15th day of October, 2008.

By /s/James K. Ince \_\_\_\_\_  
James K. Ince  
Bar #10388920

AGREED AS TO FORM:

/s/ **James K. Ince** \_\_\_\_\_  
James K. Ince  
Bailey & Galyen  
Bar #10388920

/s/ **St. Clair Newbern, III** \_\_\_\_\_  
St. Clair Newbern, III  
Law Offices of St. Clair Newbern, III, P.C.  
Bar #14941000

AGREED:

/s/ **John Nathan Saeger** \_\_\_\_\_  
John Nathan Saeger